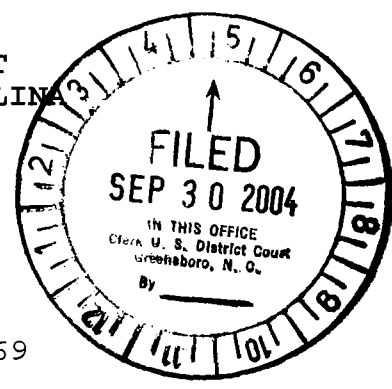


484.

D/LS

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



CROWN CORK & SEAL COMPANY, INC. )  
and CLARK EQUIPMENT COMPANY, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
CBS CORPORATION, et al., )  
 )  
Defendants. )  
----- )  
CBS CORPORATION, et al., )  
 )  
Third-Party Plaintiffs, )  
 )  
v. )  
 )  
INGERSOLL-RAND COMPANY, et al., )  
 )  
Third-Party Defendants. )

1:99CV00869

O R D E R

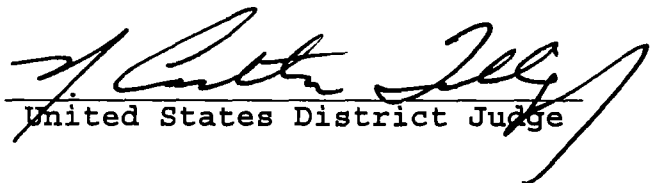
On January 13, 2004, Recommendation No. 22 of the United States Magistrate Judge was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that plaintiffs' motion to dismiss defendants Cummins Atlantic, Inc., Moss Trucking Company, Inc., Radiator Specialty Company, Inc., and Duke Energy Corporation as defendants from this lawsuit with prejudice, and further, that all claims, including cross-claims arising out of plaintiffs' claims for recovery of their RI/FS costs, RD/RA costs, or any other response costs, against defendants Cummins Atlantic, Inc., Moss

Trucking Company, Inc., Radiator Specialty Company, Inc., and Duke Energy Corporation be barred (docket no. 406) is granted, and that the Court, in fact, dismisses all claims and any cross-claims by any party against defendants Cummins Atlantic, Inc., Moss Trucking Company, Inc., Radiator Specialty Company, Inc., and Duke Energy Corporation with prejudice as a result of their settlement of plaintiffs' claims, and further, that the Court accepts the Uniform Comparative Fault Act proportionate share rule for this case so that plaintiffs' contribution claims against the non-settling defendants will be reduced by the fair shares of defendants Cummins Atlantic, Inc., Moss Trucking Company, Inc., Radiator Specialty Company, Inc., and Duke Energy Corporation.

**IT IS FURTHER ORDERED** that pursuant to Fed. R. Civ. P. 54(b) the Court determines that there is no just cause for delaying the entry of a final appealable judgment and, therefore, directs the entry of said judgment as to this Order.

  
United States District Judge

~~September 30~~ 2004